

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

STEVEN E. FORTNEY,

Plaintiff,

v.

LT. CHRIS STEVENS, C.O. III DAVID LONGSINE,
JERMEY LEIRMO, LUKE FULLMER, COLE
COOPMAN, LARRY DILLENBERG, BRIAN VAN LOO,
NURSE MARILYN VANTERKINTER and NURSE
KATHY LEMENS,

Defendants.

ORDER

09-cv-192-slc

On November 10, 2009 I granted defendants' motion for summary judgment because plaintiff failed to exhaust his administrative remedies on his claim that defendants violated his Eighth Amendment rights. On December 10, 2009, I denied plaintiff's request for leave to proceed *in forma pauperis* on appeal because he had not shown that he was indigent in this case. Now plaintiff moves for reconsideration.

Plaintiff notes that he was granted leave to proceed *in forma pauperis* in Case No. 09-cv-597-slc. That decision was based on a trust fund statement submitted by plaintiff over three months ago on September 8, 2009. In order for the court to determine whether plaintiff can proceed *in forma pauperis* on his appeal in *this* case, plaintiff will have to update this information by submitting a certified copy of his trust fund account statement for the six months preceding the date he filed his appeal. I will deny plaintiff's motion for reconsideration. However, I will consider his request to proceed *in forma pauperis* if he submits an updated trust fund account statement no later than January 12, 2009.

ORDER

IT IS ORDERED that plaintiff's motion for reconsideration, dkt. # 92, is DENIED.

Entered this 22nd day of December, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge